

25.07.2025
SL No.18
Court No.42
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

C.R.M.(M) 1010 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhimpur Police Station Case No. 63 of 2025 dated 26.02.2025 under Sections 137(2)/87/3(5) of the BNS, 2023 and under Section 6 of POCSO Act and Section 9 of the Child Marriage restraint Act, now numbered as POCSO Case NO.46/2025 pending before the learned Additional District & Sessions Judge, 2nd Court, Krishnanagar, Nadia, learned Judge, Special Court, under the POCSO Act, Krishnanagar, Nadia.

-And-

In the matter of: XYZ

...Petitioner

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Arka Tilak Bhadra

...for the Petitioner

Mr. Antarikhya Basu
Ms. Sima Biswas

...for the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that there are no such incriminating materials against the petitioner. The petitioner and victim had previous love affairs. The petitioner is in custody for last four months. Upon completion of the investigation charge-sheet has been submitted in this case and the other co-accused have been granted bail. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, places the case diary. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the *de facto* complainant.

The victim in her statement states that she left with the petitioner out of her own accord. There are no such allegations of any forcible sexual assault. Considering the above, I am inclined to grant bail to the petitioner.

Therefore, the prayer for bail is considered and **allowed**.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court, under the POCSO Act, Krishnanagar, Nadia. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Inspector-in-Charge of Bhimpur Police Station once in a fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **C.R.M. (M) 1010 of 2025** stands **disposed of**.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)